

REMARKS

Claim 1 has been amended to remove the word “by.” Since this amendment simply corrects an obvious grammatical error and requires only cursory review, this amendment should be entered after final.

Claims 1-14 stand rejected under 35 USC 103(a) as being unpatentable over Leleu in view of Corwith. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness the Examiner must show that the prior art references teach or suggest all the claim limitations.¹ Independent claim 1 recites the limitation “determining at the respective terminating end whether the credit transmitted is valid.” The Examiner has not described how this limitation is taught or suggested by the prior art references of record. Accordingly, the rejection of claim 1 as unpatentable over Leleu in view of Corwith should be withdrawn. The rejection of claims 2-10, which depend from claim 1 should be withdrawn for at least the same reasons. Further, since the Examiner has not stated a proper ground for rejecting the claims in the last action, if the Examiner still believes that the claims are obvious, the finality of the last office action should be withdrawn.

In addition, as previously explained in the Pre-Appeal Brief Request for Review, a problem in the prior art is that the centralized network was requested to reserve the resources of decentralized terminals, thus requiring additional changes to the protocols and inefficient processing. The claimed invention resolves the problems in the prior art by using an electronic credit that reserves the resources for the data communication at the terminal end, i.e., rather than requesting the central network. In response to this distinction, the Examiner states that the independent claim does not claim this distinction since the telephone network does the reserving not the terminal. The Examiner also states that “the terminal sends the electronic credit to the telephone network (centralized) to be used for reserving [sic] transmission path but the terminal never uses the

¹ See MPEP §2142

electronic credit at the terminal end because it is sent to the telephone network (i.e.. centralized) to be used for reserving.”

Independent claims 1 and 12 state that the control of data transmission units of the telephone network is “by two control units based at a terminating end of the respective terminals and decentralized from the centralized network.” Accordingly, these claims recite that the data transmission units are controlled by the terminal end not the centralized network. In addition, the reserving of data transmission units of the telephone network is in response to determining that the electronic, credit received is valid. As described above, claim 1 recites that this limitation is done at the terminating end. Accordingly, the Examiner’s assertion that the “terminal never uses the electronic credit at the terminal end” is simply wrong. Since control of the data transmission units is done at the terminal end and since the decision to reserve data transmission units is accomplished at the terminal end, it is clear that the terminal end is responsible for reserving the data transmission units.

Independent claims 11, 13 and 14 similarly state that determination of the credit is done at the terminating end based on the credit.

Since neither LeLeu nor Corwith describe or suggest controlling the resources of a decentralized network in order to reserve a data path and control units for communicating voice data between two terminals in the claimed manner, the rejection of claims 1-14, should also be withdrawn for this additional reason.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Attorney Docket No. **449122020100**.

Dated: April 11, 2006

Respectfully submitted,

By

Jonathan Bockman

Registration No.: 45,640

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7769